



## United States Patent and Trademark Office



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,876	02/16/2000	Paul Hinker	06502-0210-00000	5556
22852	7590 04/08/2003			
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER			EXAMINER	
LLP 1300 I STREE	•	TRAN, DENISE		
WASHINGTO	ON, DC 20005		ART UNIT	PAPER NUMBER
			2186	13
			DATE MAILED: 04/08/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Denise Tran   Denise Tran   2186					
## Examiner   Denise Tran   2188    - The MAILING DATE of this communication appears on the cover sheat with the correspondence address —  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Edensions of line may be available under the provisions of 37 CFR 113(a). In no event, beavers, may a reply be timely filled intel 50 Ki, 05 MONTH(s) to the maining date of this communication.  - If NO period for reply is appectited above, the maximum statutory period viril apply and viril location of time (20), 40 may will be considered timely.  - If NO period for reply is appected above, the maximum statutory period viril apply and viril location of the 50 Ki, 05 MONTH's from the mailing date of this communication.  - Failure to reply within the set of cantend period for reply will be parted to the communication.  - Failure to reply within the set of cantend period for reply will be parted to communication.  - Failure to reply within the set of cantend period for reply will, by statutic, scene the application (50 St. S. C. § 130).  - Any part reviewed by the Office later than this morths after the mailing date of this communication, even if timely fixed, may reduce any Status  1) □ Responsive to communication(s) filled on 21 January 2003.  2a) □ This action is FINAL  2b) □ This action is in on-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-23 is/are allowed.  - Claim(s) 1-23 is/are objected to by the Examiner.  - Application Papers  9) □ The specification is objected to by the Examiner.  - Application Papers  9) □ The proposed drawing correction filled on 1 is single approved by the Examiner.  - If approved, corrected drawings are required	•		Application No.	Applicant(s)	Q
Denise Tran  2188			09/504,876	HINKER ET AL.	
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1) Notice of References Cited (RTO 903)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1-8, 10  5) Notice of Informal Patent Application (PTO-152)  6) Other: IDS 12	2) 🔲 Notice 3) 🔯 Inform	nation Disclosure Statement(s) (PTO-1449) Paper No(s) 1	5) Notice of Informa	ry (PTO-413) Paper No(s)	
S. Patent and Trademark Office TO-326 (Rev. 04-01)  Office Action Summary  Part of Paper No. 13			ction Summary	Part of Paper No.	13

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## **DETAILED ACTION**

- 1. Applicant's election of Group 1, claims 1-5 and 7-23 in Paper No. 11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
- 2. Claim 6 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 11.
- 3. Claims 1-23 are pending in the application. Claims 1-5 and 7-23 are presented for examination.
- 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1-5 and 7-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Krusche et al., U.S. Patent No. 5,864,867, hereinafter Krusche.

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As per claims 1, 7 and 17, Krusche teaches the use of a method in a data processing system for allocating memory by a memory allocation function, comprising the steps defined by the memory allocation function of:

receiving a memory request for a reference to a block of memory (e.g. col. 7, lines 5-35);

returning the reference to the block of memory to satisfy the request (e.g. col. 7, lines 5-35); and

adjusting an operation of the memory allocation function based on the memory request (e.g. col. 7, lines 5-35).

As per claims 2, 15 and 18, Krusche teaches the use of a plurality of linked-lists referring to memory blocks of a common size (e.g. col. 8, lines 45-60).

As per claims 3, 10 and 19, Krusche teaches the use of setting a fast access tree to refer to a first of the plurality of linked-lists (e.g. col. 9, line 55 to col. 10, line 10).

As per claims 4, 11, 20 and 21, Krusche teaches the use of the fast access tree refers to one of the plurality of linked-lists that is most frequently requested (e.g. col. 9, line 55 to col. 10, line 10).

As per claims 5, 13 and 22, Krusche teaches the use of setting a general access tree to refer to a second of the plurality of linked-lists (e.g. col. 8, lines 45-60).

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As per claim 8, it is rejected for similar reasons as stated in the rejection to claim 1. Furthermore, Krusche teaches the use of a program (e.g. col. 7, lines 5-35) and a processor (e.g. abstract).

As per claim 9, Krusche teaches the use of a system memory function (e.g. col. 5, lines 5-42). As per the operating system, this is an inherent feature of a computer system. The operating system is core software which allows other applications to run on top of it to control resource allocation within the computer system.

As per claim 12, Krusche teaches the use of the most frequently accessed memory block size is included in the fast access tree (e.g. col. 9, line 55 to col. 10, line 10 and figure 2).

As per claims 14 and 23, Krusche teaches the use of at least frequently accessed memory block size is included in the general access tree (e.g. figure 2 and col. 8, lines 45-60).

As per claim 16, Krusche teaches the use of each of the plurality of linked-lists has an associated counter indicating a number of times that the associated linked-list has been accessed (e.g. col. 14, lines 14-35).

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The prior art made of record and not relied upon is considered pertinent to 6.

applicant's disclosure.

"Caching objects in a Data Space," IBM technical Disclosure Bulletin,

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10/1/1994, Vol. Number 37, pages 587-590.

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Denise Tran whose telephone number is (703) 305-

9823. The examiner can normally be reached on Monday, Thursday, and an alternate

Wednesday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matt Kim can be reached on (703) 305-3821. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 7467-239 for

Official communications, (703) 746-7240 for Non Official communications, and (703)

746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Peusepan

Denise Tran

4/4/03